IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

***O R D E R***

S.B. CIVIL WRIT PETITION NO. 4351/2002

*BHAGUTA LAL & ORS. Vs. STATE OF RAJASTHAN & ORS.*

Date: 20.12.2006.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. Rajendra Soni for the petitioners.
Mr. B.S. Chhaba, Addl. GA for the respondents.

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Learned counsel for the petitioner has moved an application along with the judgment dated 29.01.2003 passed by this Court in ***S.B. Civil Writ Petition No. 6255/1997- Prakash Chand Choudhary Vs. State of Rajasthan & Ors.*** and submits that the present controversy is squarely covered by the aforementioned judgment rendered by a co-ordinate Bench of this Court in the case of ***Prakash Chand Choudhary (supra)*** dated 29.01.2003.

In the present writ petition also, the petitioners were appointed on the post of Teacher Grade-III vide order dated 09.01.1991 and after satisfactorily completing the probation period the petitioners were confirmed on the said post vide order ate 23.06.93. Thereafter the services of the

petitioners have been terminated vide order dated 12.05.95 on the ground that the degree of B.Ed. which the petitioners obtained from the University of Lucknow was forged. Against the said termination order, one of the petitioners i.e. petitioner No.2 Bhag Chand Jain preferred a writ petition before this Court which was registered as S.B. Civil Writ Petition No. 2172/1995 and the same was dismissed by this Court vide order dated 17.08.95, against which the petitioner No.2 preferred special appeal before this Court which was registered as Special Appeal (Writ) No. 640/95 and the same was allowed vide judgment dated 18.10.95.

Pursuant to the judgment passed by the Division Bench of this Court, the petitioners were reinstated back in service vide order dated 06.11.95 and after their reinstatement a fresh enquiry has been initiated against the petitioners for which the petitioners have been served with notice dated 19.12.95 holding the petitioners degree of B.Ed. awarded to them by the University of Lucknow to be forged and calling upon them to submit explanation and as fresh enquiry was conducted and again the petitioners were terminated, against which the petitioners preferred writ petition Nos. 1391/96, 1398/96 and 1396/96 before this Court and the same were dismissed vide judgment

dated 22.10.96 and against this judgment, the petitioners preferred D.B. Civil Special Appeals. During pendency of the aforesaid appeals, the petitioners also completed B.Ed. Examination along with the training in the year 1997 from Kota Open University and again the petitioners were reinstated back in service on the basis that the petitioners have passed B.Ed. Examination in the year 1997 from Kota Open University.

This writ petition is preferred by the petitioners taking advantage of the order of similarly situated person Shri Ram Lal Gurjar who was initially appointed on the post of Teacher Grade-III on the basis of B.Ed. Examination passed from the Methli Vishwavidhyalaya, Dharbhanga, Bihar and later on he was terminated from his service on 07.05.94 but vide order dated 26.07.97 respondents reinstated him back in service as he again passed B.Ed. Examination in 1996 from Maharishi Dayanand University, Rohtak.

As referred herein above, a co-ordinate Bench of this Court in the aforementioned case of ***Prakash Chand Choudhary (supra),*** considering the case of Shri Ramlal Gurjar has allowed the writ petition and directed the respondents to consider the case of the petitioner for reinstatement and further directed to

grant same relief to the petitioner also as has been granted to Shri Ramlal Gurjar.

I have considered the rival submissions of the respective parties and carefully perused the judgment rendered by this Court in the case of ***Prakash Chand Choudhary (supra)*** as well as the order passed by the respondents with regard to Shri Ramlal Gurjar and considered the facts and circumstances of the case.

The ratio decided by this Court in the aforementioned case of ***Prakash Chand Choudhary (supra)*** dated 29.01.2003, squarely covers the present controversy.

Consequently, the writ petition stands allowed and the respondents are directed to consider the case of the petitioners in the same manner in which the case of Shri Ram Lal Gurjar was considered and grant the same relief to the petitioners as has been granted to Shri Ramlal Gurjar.

**(K.S. RATHORE),J.**

/KKC/